

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA)	CASE NO. 1:05CR404
)	
Plaintiff)	JUDGE: SOLOMON OLIVER, JR.
)	
vs.)	
)	<u>ORDER ACCEPTING PLEA</u>
THOMAS GERACI)	<u>AGREEMENT, JUDGMENT, AND</u>
)	<u>REFERRAL TO U.S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge **Vecchiarelli** regarding the change of plea hearing and plea agreement of **Thomas Geraci** which was referred to the Magistrate Judge with the consent of the parties.

On **August 24, 2005**, the government filed a **two**-count indictment against **Thomas Geraci** for **Possession of Stolen Firearms** and Possession of Unregistered Firearms in violation of **18:922(j) and 26:5861**. On August 31, 2005, a hearing was held in which **Thomas Geraci** entered a plea of not guilty before Magistrate Judge **Vecchiarelli**. On **November 29, 2006**, Magistrate Judge **Vecchiarelli** received **Thomas**

Geraci's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Vecchiarelli filed her R&R on November 29, 2005.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted.

Thomas Geraci is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Thomas Geraci is adjudged guilty of Counts 3 and 4 in violation of 18:922(j) and 26:5861. This matter is referred to the U.S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on February 21, 2006 at 11:00 a.m. in Courtroom 17A.

IT IS SO ORDERED.

/S/SOLOMON OLIVER, JR
UNITED STATES DISTRICT JUDGE